

Message Text

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ACTION IO-14

INFO OCT-01 NEA-11 ISO-00 OES-07 HEW-04 SP-02 SS-15
NSC-05 CIAE-00 INR-10 NSAE-00 AID-05 PA-01 L-03
OIC-02 ICAE-00 HA-05 AF-10 ARA-10 EA-10 EUR-12
/127 W

-----019893 181810Z /45

O R 181605Z MAY 78
FM AMEMBASSY TEL AVIV
TO USMISSION GENEVA NIACT IMMEDIATE
INFO SECSTATE WASHDC 3196
USMISSION USUN
AMCONSUL JERUSALEM

C O N F I D E N T I A L SECTION 1 OF 2 TEL AVIV 6460

E. O. 11652: GDS
TAGS: WHO IS XF
SUBJ: WHO-CLARIFYING SECTION D OF THE DRAFT ARAB RES ON
HEALTH IN THE OCCUPIED TERRITORIES

REFS: GENEVA 7483 (AND PREVIOUS), JERUSALEM 1401

FOLLOWING IS EMBASSY TRANSLATION OF THE TEXT OF DECISION
NO. 745 OF JANUARY 4, 1978, IN RESPECT TO THE LICENSING
PROVISIONS FOR HEALTH PRACTITIONERS IN THE WEST BANK; AS
REFERRED TO IN SECTION D OF THE DRAFT ARAB RESOLUTION
(GENEVA 7388) AS REQUESTED IN REFTEL:

ISRAEL DEFENSE FORCES
ORDER NO. 745

ORDER CONCERNING PROFESSIONS-OF MEDICINE AND HYGIENE
(LICENSING AND EMPLOYMENT):
1. BY VIRTUE OF THE POWERS VESTED IN ME AS COMMANDER OF
THE REGION, AND SINCE I THINK THAT IT IS NECESSARY FOR THE
SAKE OF PUBLIC ORDER AND THE WELFARE OF THE INHABITANTS
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OF THE REGION, I ORDER HERewith AS FOLLOWS:

2. DEFINITIONS: IN THIS ORDER "THE LAW" IS THE
PUBLIC HEALTH LAW NO. 43 OF 1966; "COMPETENT AUTHORITY"
IS STAFF OFFICER FOR AFFAIRS OF HEALTH IN THE REGIONAL
COMMAND;" ADVISORY COMMITTEE" IS THE COMMITTEE WHICH HAS
BEEN SET UP ACCORDING TO PARA. 8 OF THIS ORDER;"LICENSE"

IS A LICENSE TO ENGAGE IN THE MEDICAL PROFESSION OF PROFESSION OF HYGIENE;"TEMPORARY LICENSE" IS A LICENSE IN ACCORDANCE WITH PARA. 6 OF THIS ORDER.

3. POWERS: (A) ALL POWERS GIVEN TO THE MINISTER OF HEALTH IN PARA. 14 OF THE LAW WILL BE GIVEN TO THE COMPETENT/AUTHORITY. (B) IN SPITE OF ANYTHING SAID IN ANY LAW, THE COMPETENT AUTHORITY IS AUTHORIZED TO ISSUE A LICENSE OR TEMPORARY LICENSE WITHOUT REQUIRING APPROVALS OR OTHER PRIOR CONDITIONS SUBJECT TO THE INSTRUCTIONS OF THIS ORDER.

4. AUTHORITY FOR EMPLOYMENT: IN SPITE OF WHAT IS SAID IN ANY LAW AND SUBJECT TO SECURITY LEGISLATION, A PERSON WHO HAS RECEIVED A TEMPORARY LICENSE ACCORDING TO THIS ORDER IS AUTHORIZED TO ENGAGE IN THE PROFESSION OF MEDICINE OR HYGIENE IN ACCORDANCE WITH A LICENSE WITHOUT REQUIRING ADDITIONAL OR OTHER APPROVALS.

5. ISSUE OF LICENSE: A PERSON SHOULD FULFILL ALL THE FOLLOWING CONDITIONS FOR OBTAINING A LICENSE: (1) IS AN HONEST PERSON; (2) HAS THE APPROPRIATE PROFESSIONAL EDUCATION; (3) IS A RESIDENT OF THIS REGION.

6. APPLICATION: (A) AN APPLICATION FOR A LICENSE WILL BE SUBMITTED TO THE COMPETENT AUTHORITY TOGETHER WITH A COPY CONFIDENTIAL

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OR PHOTOGRAPH (CERTIFIED) OF THE CERTIFICATES TESTIFYING TO THE PROFESSIONAL EDUCATION OF THE APPLICANT TOGETHER WITH CONFIRMATION OF THE APPLICANT BEING A RESIDENT OF THIS REGION. (B) THE COMPETENT AUTHORITY WILL TRANSFER THE APPLICATION TO AN-ADVISORY COMMITTEE FOR CONSIDERATION. (C) THE ADVISORY COMMITTEE WILL SUBMIT TO THE COMPETENT AUTHORITY RECOMMENDATIONS IN WRITING CONCERNING THE GRANTING OF A LICENSE TO THE APPLICANT OR THE REFUSAL TO GRANT A LICENSE TO THE APPLICANT; ALSO CONCERNING THE CONDITIONS FOR GRANTING THE LICENSE -- BE IT PRIOR CONDITIONS OR SUBSEQUENT CONDITIONS, AS IT MAY DEEM FIT.

7. TEMPORARY LICENSE. (A) WHEN A PERSON HAS SUBMITTED AN APPLICATION FOR A LICENSE, THE COMPETENT AUTHORITY IS AUTHORIZED, BEFORE THE RECOMMENDATION OF THE ADVISORY COMMITTEE HAS BEEN RECEIVED AS STATED IN PARA.6 (ABOVE PARA) TO ISSUE TO HIM A TEMPORARY LICENSE TO ENGAGE IN ANY MEDICAL OR HYGIENE PROFESSION FOR A PERIOD NOT EXCEEDING ONE YEAR. (B) THE COMPETENT AUTHORITY IS AUTHORIZED TO MAKE THE ISSUE OF A TEMPORARY LICENSE DEPENDENT ON CONDITIONS, BE IT PRIOR OR SUBSEQUENT CONDITIONS, INCLUDING CONDITIONS CONCERNING THE SPHERE (SPECIALTY) AND LOCALITY OF ENGAGEMENT.(C) THE

COMPETENT AUTHORITY IS AUTHORIZED TO EXTEND THE VALIDITY OF A TEMPORARY LICENSE FOR FURTHER PERIODS, EACH OF WHICH IS NOT TO EXCEED ONE YEAR.

8. POWER TO DEMAND DETAILS. THE COMPETENT AUTHORITY AND THE ADVISORY COMMITTEE ARE AUTHORIZED TO DEMAND AT ALL TIMES FROM THE LICENSE HOLDER OR THE TEMPORARY LICENSE HOLDER THE PRESENTATION OF THE ORIGINAL DOCUMENTS TESTIFYING TO THE PROFESSIONAL QUALIFICATION.

9. ADVISORY COMMITTEE: (A) THE ADVISORY COMMITTEE WILL BE COMPOSED OF FIVE MEMBERS AND WILL BE APPOINTED BY THE REGIONAL COMMANDER; THE CHAIRMAN OF THE COMMITTEE WILL BE APPOINTED BY THE REGIONAL COMMANDER FROM AMONG THE MEMBERS
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OF THE COMMITTEE. (B) THE APPOINTMENTS OF THE ADVISORY COMMITTEE AS STATED IN SUB-PARA (A) ABOVE CAN BE GENERAL, FOR A CERTAIN CASE, FOR A NUMBER OF CASES, OR FOR A SPECIFIC PROFESSION OF MEDICINE OR HYGIENE.

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OIC-02 ICAE-00 HA-05 AF-10 ARA-10 EA-10 EUR-12
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10. WORK PROCEDURE OF THE ADVISORY COMMITTEE: (A) THE ADVISORY COMMITTEE WILL DECIDE ACCORDING TO THE MAJORITY OF

ITS MEMBERS. (B) THE ADVISORY COMMITTEE WILL DETERMINE ITS WORKING ARRANGEMENTS INsofar AS THESE HAVE NOT BEEN LAID DOWN BY SECURITY LEGISLATION. (C) THE ADVISORY COMMITTEE IS AUTHORIZED TO INVITE AN APPLICANT FOR A LICENSE TO APPEAR BEFORE IT AND IS AUTHORIZED TO INTERROGATE HIM ABOUT HIS STUDIES AND EMPLOYMENT.

11. CANCELLATION AND SUSPENSION OF LICENSE OR TEMPORARY LICENSE. (A) IN THE EVENT THAT IT APPEARS TO THE COMPETENT AUTHORITY THAT A PERSON WHO HAS RECEIVED A LICENSE OR TEMPORARY LICENSE: (1) IS GUILTY OF BEHAVIOR UNBECOMING TO HIS PROFESSION; (2) HAS OBTAINED HIS LICENSE OR TEMPORARY LICENSE BY FRAUD; (3) HAS SHOWN INABILITY OR GROSS NEGLIGENCE IN THE EXECUTION OF HIS PROFESSIONAL DUTIES; (4) HAS VIOLATED ANY OF THE INSTRUCTIONS OF THIS ORDER OR ANY OF THE INSTRUCTIONS OF THE LAW; OR (5) HAS BEEN CONVICTED OF AN OFFENSE AGAINST THE LAW OR AGAINST SECURITY LEGISLATION; THEN THE COMPETENT AUTHORITY IS AUTHORIZED BY THIS ORDER TO CANCEL THE LICENSE OR TEMPORARY LICENSE OF THAT PERSON OR TO SUSPEND IT FOR A PERIOD THAT WILL BE LAID DOWN IN THE ORDER.

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(B) THE COMPETENT AUTHORITY WILL NOT MAKE USE OF ITS AUTHORITY ACCORDING TO SUB-PARA (A) ABOVE UNLESS AND UNTIL IT HAS RECEIVED AN OPINION IN WRITING FROM AN ADVISORY COMMITTEE; THE ADVISORY COMMITTEE WILL NOT TRANSMIT TO THE COMPETENT AUTHORITY A RECOMMENDATION CONCERNING THE CANCELLATION OR SUSPENSION OF A LICENSE OR TEMPORARY LICENSE UNLESS AND UNTIL IT HAS GIVEN THE LICENSE HOLDER AN APPROPRIATE OPPORTUNITY TO BE HEARD BEFORE THE ADVISORY COMMITTEE.

12. PUBLICATION: THE NAME AND ADDRESS OF A PERSON WHO HAS BEEN GIVEN IN ACCORDANCE WITH THIS ORDER A LICENSE OR TEMPORARY LICENSE, OR WHOSE LICENSE OR TEMPORARY LICENSE HAS BEEN CANCELLED OR SUSPENDED, OR WHOSE TEMPORARY LICENSE HAS BEEN RENEWED - WILL BE PUBLISHED IN "KOVETZ HAMINSHARIM" (OFFICIAL GAZETTE) AS LAID DOWN BY ORDER CONCERNING "KOVETZ HAMINSHARIM" (JUDEA AND SAMARIA NO. 111 1967) AND IN THE DAILY LOCAL NEWSPAPER.

13. EXEMPTION: THE COMPETENT AUTHORITY IS AUTHORIZED, EITHER SPECIFICALLY OR GENERALLY ACCORDING TO REGULATIONS (PARA BELOW) TO EXEMPT FROM THE INSTRUCTIONS OF THIS ORDER OR FROM THE INSTRUCTIONS OF ANOTHER LAW, A PERSON OF THE PROFESSION OF MEDICINE OR HYGIENE, WHO IS NOT A RESIDENT OF THIS REGION, WHO IS IN THIS REGION IN ORDER TO CARRY OUT IN IT CERTAIN TREATMENT OR FOR THE PURPOSE OF CERTAIN MEDICAL OR HYGIENE CONSULTATION.

14. REGULATIONS: THE COMPETENT AUTHORITY IS AUTHORIZED, BY

APPROVAL OF THE REGIONAL COMMANDER, TO LAY DOWN REGULATIONS
CONCERNING: (1) STIPULATION OF THE APPROPRIATE PROFESSIONAL
EDUCATION FOR EVERY PROFESSION OF MEDICINE OR HYGIENE.
(2) STIPULATION OF PROCEDURE AND FORMS FOR APPLICATION FOR A
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LICENSE OR TEMPORARY LICENSE AND THEIR ISSUANCE, AND REGULA-
TIONS CONCERNING THE EXCHANGE OF A LICENSE OR TEMPORARY LI-
CENSE. (3) PAYMENT OF APPLICATION FOR A LICENSE OR TEMPORARY
LICENSE, AND THEIR RENEWAL OR EXCHANGE. (4) THE EXECUTION AND
EFFECTIVE IMPLEMENTATION OF THE AIMS OF THIS ORDER AND ITS
INSTRUCTIONS IN GENERAL.

15. TRANSITIONAL INSTRUCTIONS: A PERSON WHO HAS BEEN ISSUED
A LEGAL LICENSE TO ENGAGE IN THE PROFESSION OF MEDICINE OR
HYGIENE IN THIS REGION BEFORE THE COMING INTO EFFECT OF THIS
ORDER, AND THAT LICENSE HAS NOT BEEN CANCELLED, IS OBLIGED
TO REGISTER WITH THE COMPETENT AUTHORITY NOT LATER THAN
SIX MONTHS AFTER THE DATE THIS ORDER COMES INTO EFFECT.

16. OBSERVATION OF LAWS: THE PROVISIONS OF THIS ORDER ARE
NOT INTENDED TO DENY OR GO AGAINST THE PROVISIONS OF ANY LAW.
HOWEVER, IN CASE THE PROVISION OF A LAW (REGULATION) IS IN
CONTRADICTION OF ANY PROVISION OF THIS ORDER - THEN
THE PROVISION OF THIS ORDER TAKES PRECEDENCE.

17. DATE OF EFFECT: THIS ORDER COMES INTO EFFECT ON....

18. NAME: THIS ORDER WILL BE CALLED "ORDER REGULATING PRO-
FESSIONS OF MEDICINE AND HYGIENE (LICENSING AND EMPLOYMENT,
(JUDEA AND SAMARIA, NO. 745) 1978,"

DATE: 25TH DAY OF THE MONTH OF TEVET 5738.

4TH DAY OF THE MONTH OF JANUARY 1978.

(SGD) DAVID HAGOEL

TAT-ALUF (BRIGADIER GENERAL)

REGIONAL COMMANDER

JUDEA AND SAMARIA.

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Message Attributes

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Draft Date: 18 may 1978
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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
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Disposition History: n/a
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